

HOUSE BILL No. 1833

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3-1-3.5.

Synopsis: Inflation adjusted personal deductions. Requires certain deductions from an individual's adjusted gross income to be adjusted according to the Consumer Price Index.

Effective: January 1, 2002.

Dumezich

January 17, 2001, read first time and referred to Committee on Ways and Means.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1833

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3-1-3.5, AS AMENDED BY P.L.14-2000,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2002]: Sec. 3.5. When used in IC 6-3, the term "adjusted
4 gross income" shall mean the following:

5 (a) In the case of all individuals, "adjusted gross income" (as
6 defined in Section 62 of the Internal Revenue Code), modified as
7 follows:

8 (1) Subtract income that is exempt from taxation under IC 6-3 by
9 the Constitution and statutes of the United States.

10 (2) Add an amount equal to any deduction or deductions allowed
11 or allowable pursuant to Section 62 of the Internal Revenue Code
12 for taxes based on or measured by income and levied at the state
13 level by any state of the United States.

14 (3) Subtract:

15 (A) one thousand dollars (\$1,000); or

16 (B) in the case of a joint return filed by a husband and wife,
17 ~~subtract for each spouse~~ one thousand dollars (\$1,000) **for**



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- 1 **each spouse,**
 2 **each as adjusted under subsection (d).**
 3 (4) Subtract one thousand dollars (\$1,000), **as adjusted under**
 4 **subsection (d),** for:
 5 (A) each of the exemptions provided by Section 151(c) of the
 6 Internal Revenue Code;
 7 (B) each additional amount allowable under Section 63(f) of
 8 the Internal Revenue Code; and
 9 (C) the spouse of the taxpayer if a separate return is made by
 10 the taxpayer and if the spouse, for the calendar year in which
 11 the taxable year of the taxpayer begins, has no gross income
 12 and is not the dependent of another taxpayer.
 13 (5) Subtract:
 14 (A) one thousand five hundred dollars (\$1,500) for each of the
 15 exemptions allowed under Section 151(c)(1)(B) of the Internal
 16 Revenue Code for taxable years beginning after December 31,
 17 1996; and
 18 (B) five hundred dollars (\$500) for each additional amount
 19 allowable under Section 63(f)(1) of the Internal Revenue Code
 20 if the adjusted gross income of the taxpayer, or the taxpayer
 21 and the taxpayer's spouse in the case of a joint return, is less
 22 than forty thousand dollars (\$40,000).
 23 This amount is in addition to the amount subtracted under
 24 subdivision (4).
 25 (6) Subtract an amount equal to the lesser of:
 26 (A) that part of the individual's adjusted gross income (as
 27 defined in Section 62 of the Internal Revenue Code) for that
 28 taxable year that is subject to a tax that is imposed by a
 29 political subdivision of another state and that is imposed on or
 30 measured by income; or
 31 (B) two thousand dollars (\$2,000).
 32 (7) Add an amount equal to the total capital gain portion of a
 33 lump sum distribution (as defined in Section 402(e)(4)(D) of the
 34 Internal Revenue Code) if the lump sum distribution is received
 35 by the individual during the taxable year and if the capital gain
 36 portion of the distribution is taxed in the manner provided in
 37 Section 402 of the Internal Revenue Code.
 38 (8) Subtract any amounts included in federal adjusted gross
 39 income under Internal Revenue Code Section 111 as a recovery
 40 of items previously deducted as an itemized deduction from
 41 adjusted gross income.
 42 (9) Subtract any amounts included in federal adjusted gross

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income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

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(1) Subtract income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(c) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) reduced by income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.

(d) As used in this subsection, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index for Indiana, all items, all urban consumers, or its successor index. For taxable years beginning after December 31, 2001, the department shall adjust the amount of the deductions allowed under subsection (a)(3) and subsection (a)(4) for each qualified person as follows:

STEP ONE: Determine the percentage change between the CPI as last reported in the previous calendar year and the CPI as last reported in the year before the previous calendar year.

STEP TWO: Express the percentage change determined in STEP ONE as a two (2) digit decimal rounded to the nearest hundredth.

STEP THREE: Add one (1) to the decimal determined in STEP TWO.

STEP FOUR: Multiply the greater of one (1) or the sum determined in STEP THREE by the deduction amount, as adjusted under this subsection for the previous taxable year.

SECTION 2. [EFFECTIVE JANUARY 1, 2002] IC 6-3-1-3.5, as amended by this act, applies to taxable years beginning after December 31, 2001.

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